

AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2122

Introduced by Assembly Member Mendoza
(Coauthors: Assembly Members Tom Berryhill, Conway, and Ma)

February 18, 2010

An act to amend Section 11502.5 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2122, as amended, Mendoza. Pesticides: regulations: continuing education.

Existing law authorizes the Director of Pesticide Regulation to adopt regulations to establish the minimum requirements of education, continuing education, training, experience, and examination for applicants for any license or certificate, or renewal of any license or certificate, issued by the director pertaining to pesticides.

This bill would provide that a regulation adopted or amended pertaining to continuing education requirements shall establish minimum course requirements ~~that address specified areas related to pest management and plant health, as provided.~~ The bill would also provide that a regulation adopted or amended shall ~~contain~~ include a requirement that the director shall act within 15 days to approve or reject continuing education courses submitted to meet the requirements of law pertaining to pesticides.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11502.5 of the Food and Agricultural Code is amended to read:

11502.5. (a) The director may adopt regulations to establish the minimum requirements of education, continuing education, training, experience, and examination for applicants for any license or certificate, or renewal of any license or certificate, issued by the director pursuant to this division or Division 7 (commencing with Section 12500). A regulation adopted or amended pursuant to this section pertaining to continuing education requirements shall establish minimum course requirements ~~that address the areas of related to pest management and plant health, including, but not limited to,~~ organic and sustainable practices, ~~nutrient management practices, including, but not limited to,~~ water and air monitoring and residue mitigation, maximum residue levels, quarantine practices, and the on-farm storage of fumigants. The director shall not renew a license or certificate if the person who was issued the license or certificate did not complete the required continuing education during the period of validity of the license or certificate, and the person must take and pass the examination to be again issued such a license or certificate. A regulation adopted or amended pursuant to this section shall ~~contain~~ *include* a requirement that the director shall act within 15 days to approve or reject continuing education courses submitted to meet the requirements of this division or Division 7 (commencing with Section 12500).

(b) The director shall establish, by regulation, fees for the department's licensing and certification programs as established pursuant to this division or Division 7 (commencing with Section 12500). These programs include, but are not limited to:

(1) License and certificate examination, application, and renewal.

(2) Approval of continuing education courses and continuing education course providers.

(3) Changes related to any license or certificate, including, but not limited to, name or address changes, license or certificate replacement costs, duplicate copy of a license or certificate, and changes in qualified person, bond, insurance, or registered officers.

(4) Penalties for late payment of licensing and certification fees.

1 (c) The fees established pursuant to this section may include
2 administrative costs, including overhead costs.

3 (d) The regulations shall provide that the examination fee may
4 be charged to applicants who request the director to reschedule an
5 examination due to the applicant's failure to obtain a passing score
6 or failure to appear for the scheduled examination, and for
7 scheduling an examination to amend a license.

8 (e) The fees established pursuant to this section shall be set so
9 that the total revenue collected each fiscal year is sufficient to
10 support the expenditure levels for these programs contained in the
11 annual Budget Act. If the director determines that the revenue
12 collected during the preceding year was greater than, or less than,
13 the expenditure levels for these programs set forth in the Budget
14 Act, the director may further adjust the current fees to compensate
15 for the overcollection or undercollection.

16 (f) Funds collected pursuant to this section shall be deposited
17 in the Department of Pesticide Regulation Fund, and shall be
18 available for expenditure by the department, upon appropriation,
19 for the purposes of carrying out the programs established pursuant
20 to this division or Division 7 (commencing with Section 12500).

21 (g) The regulations adopted pursuant to this section, or any
22 amendment thereto, shall be adopted by the director in accordance
23 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
24 Division 3 of Title 2 of the Government Code. The adoption of
25 these regulations shall be considered by the Office of
26 Administrative Law as an emergency, and necessary for the
27 immediate preservation of the public peace, health, safety, and
28 general welfare. Notwithstanding any other provision of law, the
29 emergency regulations adopted pursuant to this section shall remain
30 in effect until amended by the director.